



KI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

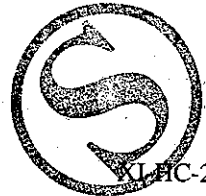
आदेश पत्रक

मामला क्रमांक W A No 261/08 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>APPELLANT</u> Mukesh Kumar Mishra, S/o late Shri Kunj Bihari Mishra, aged about 26 years, residence of Lalbag, Shrivastava Colony, near Railway Chowki, Chhindawada, Distt. Chhindwada (MP)</p> <p><u>Versus</u></p> <p><u>RESPONDENTS</u> 1. The State of Chhattisgarh through the Secretary, Forest Department, D.K.S. Building, Raipur (CG) 2. The Chief Conservator of Forest, Raipur, Distt. Raipur (CG) 3. Divisional Forest Officer, Forest Division, Rajnandgaon, Distt. Rajnandgaon (CG) 4. Sub Divisional Officer, Forest, Baghnadi Range, Rajnandgaon, Distt. Rajnandgaon (CG)</p> <p><u>WRIT APPEAL UNDER SECTION 2(1) OF THE CHHATTISGARH HIGH COURT APPEAL TO DIVISION BENCH ACT, 2006</u></p> <p><u>DB: HON'BLE SHRI DHIRENDRA MISHRA AND HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, JJ</u></p> <p><u>28-11-2008</u></p> <p>Shri Sunil Sahu, Advocate, for the appellant. Shri Sumesh Bajaj, Govt. Advocate, for the respondents.</p> <p>2. Heard on I.A. 1, application for condonation of delay in filing this appeal as the same has been preferred with delay of 25 days.</p> <p>3. On due consideration of the application, which is also supported by affidavit of the appellant, we are satisfied that the appellant has sufficient cause for 25 days' delay in filing the appeal.</p>	

[पीछे देखिये]



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	<p>4. Accordingly, the application is allowed. Delay in filing the appeal is condoned.</p> <p>5. Also heard on admission.</p> <p>6. The appellant's petition for direction to the respondents to consider his case for compassionate appointment has been dismissed by the impugned order on the ground that the deceased employee died on 1-12-1992, whereas the application for compassionate appointment was filed by the appellant on 5-12-2000 after attaining majority.</p> <p>7. Learned counsel for the appellant submits that the respondents rejected the prayer for compassionate appointment on the ground that the father of the appellant died before formation of the State of Chhattisgarh, whereas the petition has been dismissed on the ground that the same was preferred with inordinate delay and the compassionate appointment scheme is to give immediate relief to the family members of the deceased to tide over the sudden financial crises befallen on the dependents on account of the untimely demise of its sole earning member.</p> <p>8. After going through the impugned order, we are of the opinion that the same has been passed keeping in view the settled principles of law that public employment should be open to all eligible candidates and appointment on compassionate ground is an</p>	

[पीछे देखिये]



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	<p>exception to the above principles, however the same is provided to the unfortunate dependants of the deceased employee who dies in harness to provide succor to the family members to over come the sudden financial crises. In the instant case, since the application for compassionate appointment was preferred after a lapse of 8 years. It has been rightly held that the appellant was not entitled for compassionate appointment after such a long period only on the ground that he applied for appointment after attaining majority.</p> <p>9. The appeal being without substance, is liable to be dismissed and the same is accordingly dismissed.</p> <p>Sd/- Dhirendra Mishra Judge</p>	<p>Sd/- Dilip Raosaheb Deshmukh Judge</p>

[पीछे देखिये]